

REMARKS

The applicants have reviewed the official action dated April 28, 2008, and, in response, submit the foregoing amendments and the following remarks. Claims 11, 12, 14, 16-19, and 67 have been amended. Claims 1-10, 13, 15, 20-25, 44, 47, 48, 53-58, 65, and 66 have been canceled and claims 26-43, 45, 46, 49-52, and 59-64 have been withdrawn from consideration, leaving claims 11, 12, 14, 16-19, and 67 at issue in this application. The applicants respectfully submit that the claims at issue are in condition for allowance and request reconsideration of the same.

As an initial matter, for at least the reasons set forth in a previous response filed on January 24, 2007, the applicants maintain their traversal of the restriction requirement set forth in the official action of December 26, 2006. Accordingly, the applicants reserve their rights to petition the restriction requirement in this application.

In the official action of April 28, 2008, claims 11-14, 16-19, 66, and 67 were rejected as unpatentable over Zigmond et al. (U.S. Patent No. 6,698,020) in view of Knee et al. (U.S. Patent Application No. 2002/0095676) and Wren (U.S. Patent No. 6,055,514). Further, claim 65 was rejected as unpatentable over Zigmond et al. in view of Knee et al., further in view of Wren, and further in view of Alexander et al. (U.S. Patent No. 6,177,931).

As amended, independent claim 14 recites receiving advertisement objects comprising a plurality of versions of an advertisement, wherein the plurality of versions of the advertisement comprise advertisements having different graphics. As stated in the present official action, neither Zigmond et al., Knee et al., nor Wren describe a plurality of versions of an advertisement comprising different graphics. Instead, the examiner relies on Alexander et al., stating that Alexander et al. describe "multiple versions of an advertisement...including different graphics."

Page 9 of the official action dated April 28, 2008. However, Alexander et al. do not describe different versions of an advertisement comprising different graphics. Rather, Alexander et al. describe overlay messages that can be placed over an advertisement to convey information related to a geographic location of a viewer. Overlay messages, by definition, do not alter the graphics of the content over which they are placed. This difference is demonstrated by an assertion made by the examiner on page 10 of the present official action. Specifically, the examiner states that the overlays described by Alexander et al. provide the benefit of providing local information without needing an entirely new or different advertisement. In other words, the purpose of overlay messages is to avoid needing different versions of advertisements. Thus, the system described by Alexander et al. does not include different versions of an advertisement having different graphics. Rather, advertisements are supplemented with overlays tailored to certain viewers. Accordingly, none of the cited art describes a plurality of versions of an advertisement comprising different graphics.

Additionally, independent claim 14 recites making two choices based on two comparisons. First, an advertisement object is selected based on a comparison between similarity scores and a first threshold similarity score. Second, a version of the advertisement associated with the selected advertisement object is selected based on a comparison of the similarity score of the selected advertisement object to a second threshold similarity score.

None of the cited art describes making these two choices. However, the examiner contends that Zigmond et al., Knee et al., and Wren describe selecting a version of an advertisement by comparing a similarity score of the advertisement to a second threshold similarity score. *Page 8 of the official action dated April 28, 2008.* In particular, the examiner states that a combination of the cited art describes displaying the highest scoring advertisement,

which includes comparing the similarity scores of different versions to other advertisements and to each other. *Id.* However, comparing similarity scores to each other (as allegedly described in the cited art) is not equivalent to a comparison to a threshold similarity score (as recited in claim 14). Comparing similarity scores to each other involves different calculations and leads to different results (e.g., obtaining conclusions that are strictly relative to other advertisements). In contrast, comparing similarity scores to a threshold similarity score leads to results that are relative to a predetermined or calculated value and can be controlled by setting the threshold similarity score.

Accordingly, no combination of the cited art can support an obviousness rejection under 103(a) of claim 14 or any claim dependent thereon. Thus, the applicants respectfully submit that the obviousness rejection of independent claim 14 must be withdrawn and that claims 11, 12, 14, 16-19, and 67 are in condition for allowance.

Further, in rejecting to claims 19 and 67, the examiner takes official notice that "it was notoriously well known in the art at the time of invention by applicant to transmit advertisements of different sizes." *Page 6 of the official action dated April 28, 2008.* To support the official notice, the examiner cites instances of advertisements that can be compressed or encoded differently based on different data sizes associated with the advertisements. However, as amended, claims 19 and 67 recite that the different versions comprise advertisement of different display sizes. In contrast, the technology cited by the examiner in taking official notice involves differently sized amounts of data associated with advertisements.

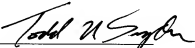
If the official notice asserted by the examiner in the present official action regarding claims 19 and 67 is taken to facts other than those stated above (varying data sizes associated

with an advertisement), the applicants disagree that such findings are notoriously well known and request documentary evidence of the same.

The Commissioner is hereby authorized to refund any overpayment and charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-0383.

Respectfully submitted,

By:


Name: Todd N. Snyder
Registration No. 41,320
Attorney for Applicants

Date: July 2, 2008

The DIRECTV Group, Inc.
CA/LA/A109
El Segundo, CA 90245

Telephone No.: (310) 964-0560